

Filed for intro on 02/01/95
House Bill _____
By _____

Senate Bill No.SB0235
By Person, Jr.

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 6 and Title 40, Chapter 33, Part 2, to create the offense of failing to respond to a law enforcement officer's signal to stop a motor vehicle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39-16-603, is amended by adding the following as a new section to be designated as Section 39-16-610:

39-16-610. (a) It is an offense for the operator of a motor vehicle who, having received a visual or audible signal from a law enforcement officer to bring the vehicle to a stop, operates such vehicle in knowing disregard of the signal so as to interfere with or endanger the operation of any vehicle or person.

(b) A violation of subsection (a) is a Class C felony and the court shall impose a minimum fine of one thousand dollars (\$1,000). An operator who violates subsection (a) and while doing so causes death or serious bodily injury to another person commits a Class B felony and the court shall impose a minimum fine of five thousand dollars (\$5,000).

(c)

(1) In addition to the penalty prescribed in this or any other section, the court shall order the suspension of the driver license of an operator violating this section for a period of one (1) year. If the license is already suspended at the time the order is issued, the suspension shall begin on the date the existing suspension ends.

(2) The court shall also confiscate the license being suspended and forward it to the department of safety along with a report of the license suspension. If the court is unable to take physical possession of such license, the court shall nevertheless forward the report to the department. The report shall include the complete name, address, birth date, eye color, sex, and driver license number, if known, of the person whose license has been suspended and shall indicate the first and last day of the suspension period. If the person is the holder of a license from another state, the court shall not confiscate the license but shall notify the department which shall notify the appropriate licensing officials in such other state.

(d) For purposes of this section, there is a rebuttable presumption that the owner of the vehicle was the operator of the vehicle at the time of the offense.

(e)(1) The vehicle used in the commission of a violation of this section is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2.

(2) The department of safety is designated as the applicable agency, as defined in Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 39-16-610, 47-25-1105".

SECTION 3. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 39-16-610, 47-25-1105".

SECTION 4. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "39-14-307, 47-25-1105" and substituting instead the citations "39-14-307, 39-16-610, 47-25-1105".

SECTION 5. This act shall take effect July 1, 1995, the public welfare requiring it and shall apply to all violations occurring on or after such date.

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